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| BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001 | | | SHAPIRO, LEONID | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2677 | |

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/944,165 | SILFVERBERG ET AL. | |
| | Examiner | Art Unit | |
| | Leonid Shapiro | 2673 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10,12-17,19 and 21-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10,12-17,19,21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

In view of the pre-appeal brief review on 10.26.05, PROSECUTION IS HEREBY REOPENED. Terms set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear how the limitation of newly introduced claim 32: "the device displays the first content when the first depth corresponds to a current zoom-ratio, and

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wherein the device displays the second content when the second depth corresponds to the current zoom-ratio" could be implemented, when it is contradicted to claim 31, from claim 32 is depended? If zoom ratios are the same, then the first depth is the same as second depth and content also will be the same.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-8, 10, 12-17, 19 and 21-27, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. (US Patent No. 6,570,583 B1) in view of Phillipps (Us Patent No. 6,107,988).

As to claim 1, Kung et al. teaches a hand held device, comprising a housing (See Figs. 3,11, items 30,50, in description See Col. 5, Lines 8-60; a display screen on the front of the device (See Figs. 8,11, items 50-51, 54, in description See Col. 4, Lines 30-35); a first input control, wherein the first user input control detects direction of first user input (See Fig, 8, item 69, in description See Col. 4, Lines 50-54); and a second user input control, wherein the second user input control detects a direction of second user input (See Fig, 8, item 68, in description See Col. 4, Lines 40-47); wherein, when user input is received through the first user input control, content on the display screen is panned in direction responsive to the detected direction of the first received user input

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(See Fig. 8,10, items 54,69, in description See Col. 4, Lines 55-67), and wherein , when user input is received through the second user input control, content on the display screen is zoomed in or out responsive to the detected direction of the second received user input (See Fig, 8,10-12, items 50-54,68, in description See Col. 4, Lines 40-54 and Col. 5, Lines 1-17).

Kung et al. does not show first and second input controls are located on a back of the device.

Phillipps teaches first and second input controls are located on a back of the device (See Figs. 1-4, items 7-8, from Col. 2, Line 56 to Col. 3, Line 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement user input control on a back of the device as shown by Phillipps in the Kung et al. apparatus in order to reduce size of the apparatus (See Col. 1, Lines 29-33 in the Phillipps reference).

The zoom-ratio varying between predetermined maximum zoom-ratio and a predetermined minimum zoom-ratio is considered to be an implicit feature because there must be a reasonable limits for every zooming feature within boundary of the display and screen being zoomed in steps defined by a zoom-ratio also is implicit since a continuous movement on the zooming touch pad ("...the steps of zoom is not fixed, but the zoom-ratio may be any permanent or temporary value between maximum and minimum values." (See paragraph 22 of the Applicant's description)).

As to claim 10, Kung et al. teaches a method for manipulating content displayed on a display screen of a hand held device and wherein the display screen is

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located on the front of the device (See Figs. 3,11, items 30,50, in description See Col. 5, Lines 8-60; a display screen (See Figs. 8,11, items 50-51, 54, in description See Col. 4, Lines 30-35), comprising the steps of: when user input is received through the first user input control capable of detecting a direction of user input, panning content on a display screen in a direction responsive to the detected direction of the first user input (See Fig. 8,10, items 54,69, in description See Col. 4, Lines 55-67), and when user input is received through the second user input control capable of detecting a direction of user input, content on the display screen is zoomed in or out responsive to the detected direction of the second user input (See Fig. 8,10-12, items 50-54,68, in description See Col. 4, Lines 40-54 and Col. 5, Lines 1-17), wherein first and second user input controls are located on the device (See Fig. 8, items 68-69, in description See Col. 4, Lines 40-42).

Kung et al. does not show first and second input controls are located on a back of the device.

Phillipps teaches first and second input controls are located on a back of the device (See Figs. 1-4, items 7-8, from Col. 2, Line 56 to Col. 3, Line 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement user input control on a back of the device as shown by Phillipps in the Kung et al. method in order to reduce size of the apparatus (See Col. 1, Lines 29-33 in the Phillipps reference).

The zoom-ratio varying between predetermined maximum zoom-ratio and a predetermined minimum zoom-ratio is considered to be an implicit feature because

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there must be a reasonable limits for every zooming feature within boundary of the display and screen being zoomed in steps defined by a zoom-ratio also is implicit since a continuous movement on the zooming touch pad ("...the steps of zoom is not fixed, but the zoom-ratio may be any permanent or temporary value between maximum and minimum values." (See paragraph 22 of the Applicant's description)).

As to claims 3-7, 12-16 Kung et al. teaches controls comprising a touch pad, a trackball, a roller wheel, a joystick and a keypad button (See Fig. 8, items 54, 68-69, in description See Col. 4, Lines 40-54).

As to claims 8, 17, 24, 26, Kung et al. does not show the first and second controls are each located in position that, when a user is holding the device with both hands on either side of the display screen, enables the user to manipulate one control with the user's right hand and one control with the user's left hand.

Phillipps teaches first and second input controls are located on a back of the device (See Figs. 1-4, items 7-8, from Col. 2, Line 56 to Col. 3, Line 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement user input control on a back of the device when a user is holding the device with both hands on either side of the display screen, enables the user to manipulate one control with the user's right hand and one control with the user's left hand as shown by Phillipps in the Kung et al. apparatus in order to reduce size of the apparatus (See Col. 1, Lines 29-33 in the Phillipps reference).

As to claim 19, Kung et al. teaches a hand held device, comprising a housing (See Figs. 3, 11, items 30, 50, in description See Col. 5, Lines 8-60; a display screen on

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a front side of the housing (See Figs. 8,11, items 50-51, 54, in description See Col. 4, Lines 30-35); a first input control on the housing (See Fig. 8, item 69, in description See Col. 4, Lines 50-54); and a second user input control on the housing (See Fig. 8, item 68, in description See Col. 4, Lines 40-47); wherein, when user input is received through the first user input control, content on the display screen is panned in direction responsive to the detected direction of the first received user input (See Fig. 8,10, items 54,69, in description See Col. 4, Lines 55-67), and wherein, when user input is received through the second user input control, content on the display screen is zoomed in or out responsive to the detected direction of the second received user input (See Fig. 8,10-12, items 50-54,68, in description See Col. 4, Lines 40-54 and Col. 5, Lines 1-17).

Kung et al. does not show first and second input controls are located on a back of the device.

Phillipps teaches first and second input controls are located on a back of the device (See Figs. 1-4, items 7-8, from Col. 2, Line 56 to Col. 3, Line 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement user input control on a back of the device as shown by Phillipps in the Kung et al. method in order to reduce size of the apparatus (See Col. 1, Lines 29-33 in the Phillipps reference).

The zoom-ratio varying between predetermined maximum zoom-ratio and a predetermined minimum zoom-ratio is considered to be an implicit feature because there must be a reasonable limits for every zooming feature within boundary of the

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display and screen being zoomed in steps defined by a zoom-ratio also is implicit since a continuous movement on the zooming touch pad ("...the steps of zoom is not fixed, but the zoom-ratio may be any permanent or temporary value between maximum and minimum values." (See paragraph 22 of the Applicant's description)).

As to claim 21, Kung et al., teaches horizontal panning is in the same direction as the received horizontal component of the first received user input, and wherein vertical panning is in a same direction as received vertical component of the first received user input, thereby allowing the user to interact with the display as if user is moving a displayed document with the user finger (See Figs. 8-9, item 69, in description See Col. 4, Lines 48-54).

As to claim 22, Kung et al. teaches a hand held device, comprising a housing (See Figs. 3,11, items 30,50, in description See Col. 5, Lines 8-90; a display screen on a front side of the housing (See Figs. 8,11, items 50-51, 54, in description See Col. 4, Lines 30-35); a first input control on the housing (See Fig, 8, item 69, in description See Col. 4, Lines 50-54): and a second user input control on the housing (See Fig, 8, item 68, in description See Col. 4, Lines 40-47); wherein, when user input is received through the first user input control, content on the display screen is panned in direction responsive to the detected direction of the first received user input (See Fig. 8,10, items 54,69, in description See Col. 4, Lines 55-67), and wherein , when user input is received through the second user input control, content on the display screen is zoomed in or out responsive to the detected direction of the second received user input (See

Fig. 8, 10-12, items 50-54, 68, in description See Col. 4, Lines 40-54 and Col. 5, Lines 1-17); touch pad for the zoom control (See Fig. 8, items 54, 68-69, Col. 4, Lines 40-54).

Kung et al. does not show the first and second user input controls are located on a back of the device in such a position that when a user is holding the device with both hands on either side of the display screen, thumbs to front and four fingers to back, the user can manipulate the first input device with one or more of the four fingers of a first hand of the user.

Phillipps teaches the first and second user input controls are located on a back of the device in such a position that when a user is holding the device with both hands on either side of the display screen, thumbs to front and four fingers to back, the user can manipulate the first input device with one or more of the four fingers of a first hand of the user (See Figs. 1-4, items 7-8, from Col. 2, Line 56 to Col. 3, Line 9 and Fig. 18, items 67-68, Col. 5, Lines 27-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Phillipps into the Kung et al. system in order to reduce size of the apparatus (See Col. 1, Lines 29-33 in the Phillipps reference).

The zoom-ratio varying between predetermined maximum zoom-ratio and a predetermined minimum zoom-ratio is considered to be an implicit feature because there must be a reasonable limits for every zooming feature within boundary of the display and screen being zoomed in steps defined by a zoom-ratio also is implicit since a continuous movement on the zooming touch pad ("...the steps of zoom is not fixed,

but the zoom-ratio may be any permanent or temporary value between maximum and minimum values.” (See paragraph 22 of the Applicant’s description)).

As to claim 23, Kung et al. teaches a hand held device, comprising a housing (See Figs. 3,11, items 30,50, in description See Col. 5, Lines 8-60; a display screen on a first side of the device (See Figs. 8,11, items 50-51, 54, in description See Col. 4, Lines 30-35); a first input control, wherein the first user input control detects direction of first user input (See Fig, 8, item 69, in description See Col. 4, Lines 50-54); and a second user input control, wherein the second user input control detects a direction of second user input (See Fig, 8, item 68, in description See Col. 4, Lines 40-47); wherein, when user input is received through the first user input control, content on the display screen is panned in direction responsive to the detected direction of the first received user input (See Fig. 8,10, items 54,69, in description See Col. 4, Lines 55-67), and wherein , when user input is received through the second user input control, content on the display screen is zoomed in or out responsive to the detected direction of the second received user input (See Fig, 8,10-12, items 50-54,68, in description See Col. 4, Lines 40-54 and Col. 5, Lines 1-17).

Kung et al. does not show first and second input controls are located on an opposite side of the device behind the display screen.

Phillipps teaches first and second input controls are located on a back of the device (See Figs. 1-4, items 7-8, from Col. 2, Line 56 to Col. 3, Line 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement user input control on a back of the device as shown by Phillipps

in the Kung et al. apparatus in order to reduce size of the apparatus (See Col. 1, Lines 29-33 in the Phillipps reference).

The zoom-ratio varying between predetermined maximum zoom-ratio and a predetermined minimum zoom-ratio is considered to be an implicit feature because there must be a reasonable limits for every zooming feature within boundary of the display and screen being zoomed in steps defined by a zoom-ratio also is implicit since a continuous movement on the zooming touch pad ("...the steps of zoom is not fixed, but the zoom-ratio may be any permanent or temporary value between maximum and minimum values." (See paragraph 22 of the Applicant's description)).

As to claim 25, Kung et al. teaches a method for manipulating content displayed on a display screen of a hand held device and wherein the display screen is located on the front of the device (See Figs. 3,11, items 30,50, in description See Col. 5, Lines 8-90; a display screen (See Figs. 8,11, items 50-51, 54, in description See Col. 4, Lines 30-35), comprising the steps of: when user input is received through the first user input control capable of detecting a direction of user input, panning content on a display screen in a direction responsive to the detected direction of the first user input (See Fig. 8,10, items 54,69, in description See Col. 4, Lines 55-67), and when user input is received through the second user input control capable of detecting a direction of user input, content on the display screen is zoomed in or out responsive to the detected direction of the second user input (See Fig, 8,10-12, items 50-54,68, in description See Col. 4, Lines 40-54 and Col. 5, Lines 1-17), wherein first and second

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user input controls are located on the device (See Fig. 8, items 68-69, in description See Col. 4, Lines 40-42).

Kung et al. does not show first and second user input controls are located on an opposite side of the device behind the display screen.

Phillipps teaches first and second input controls are located on a back of the device (See Figs. 1-4, items 7-8, from Col. 2, Line 56 to Col. 3, Line 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement user input control on a back of the device as shown by Phillipps in the Kung et al. method in order to reduce size of the apparatus (See Col. 1, Lines 29-33 in the Phillipps reference).

The zoom-ratio varying between predetermined maximum zoom-ratio and a predetermined minimum zoom-ratio is considered to be an implicit feature because there must be a reasonable limits for every zooming feature within boundary of the display and screen being zoomed in steps defined by a zoom-ratio also is implicit since a continuous movement on the zooming touch pad ("...the steps of zoom is not fixed, but the zoom-ratio may be any permanent or temporary value between maximum and minimum values." (See paragraph 22 of the Applicant's description)).

As to claim 27, Kung et al. teaches a hand held device, comprising a housing (See Figs. 3,11, items 30,50, in description See Col. 5, Lines 8-60; a display screen on a front side of the housing (See Figs. 8,11, items 50-51, 54, in description See Col. 4, Lines 30-35); a first input control on the housing (See Fig, 8, item 69, in description See Col. 4, Lines 50-54); and a second user input control on the housing (See Fig, 8, item

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68, in description See Col. 4, Lines 40-47); wherein, when user input is received through the first user input control, content on the display screen is panned in direction responsive to the detected direction of the first received user input (See Fig. 8,10, items 54,69, in description See Col. 4, Lines 55-67), and wherein , when user input is received through the second user input control, content on the display screen is zoomed in or out responsive to the detected direction of the second received user input (See Fig. 8,10-12, items 50-54,68, in description See Col. 4, Lines 40-54 and Col. 5, Lines 1-17)); touch pad for the zoom control (See Fig. 8, items 54, 68-69, Col. 4, Lines 40-54).

Kung et al. does not show the first and second user input controls are located on a back of the device in such a position that when a user is holding the device with both hands on either side of the display screen, thumbs to front and four fingers to back, the user can manipulate the first input device with one or more of the four fingers of a first hand of the user.

Phillipps teaches the first and second user input controls are located on a back of the device in such a position that when a user is holding the device with both hands on either side of the display screen, thumbs to front and four fingers to back, the user can manipulate the first input device with one or more of the four fingers of a first hand of the user (See Figs. 1-4, items 7-8, from Col. 2, Line 56 to Col. 3, Line 9 and Fig. 18, items 67-68, Col. 5, Lines 27-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Phillipps into the Kung et al. system in order to reduce size of the apparatus (See Col. 1, Lines 29-33 in the Phillipps reference).

The zoom-ratio varying between predetermined maximum zoom-ratio and a predetermined minimum zoom-ratio is considered to be an implicit feature because there must be a reasonable limits for every zooming feature within boundary of the display and screen being zoomed in steps defined by a zoom-ratio also is implicit since a continuous movement on the zooming touch pad ("...the steps of zoom is not fixed, but the zoom-ratio may be any permanent or temporary value between maximum and minimum values." (See paragraph 22 of the Applicant's description)).

As to claim 30, Kung et al. teaches an computer-readable medium comprising executable code for performing a method for manipulating content displayed on a display screen of a hand held device and wherein the display screen is located on the front of the device (See Figs. 3,11, items 30,50, in description See Col. 5, Lines 8-60; a display screen (See Figs. 8,11, items 50-51, 54, in description See Col. 4, Lines 30-35), comprising the steps of: when user input is received through the first user input control capable of detecting a direction of user input, panning content on a display screen in a direction responsive to the detected direction of the first user input (See Fig. 8,10, items 54,69, in description See Col. 4, Lines 55-67), and when user input is received through the second user input control capable of detecting a direction of user input, content on the display screen is zoomed in or out responsive to the detected direction of the second user input (See Fig. 8,10-12, items 50-54,68, in description See Col. 4, Lines 40-54 and Col. 5, Lines 1-17), wherein first and second user input controls are located on the device (See Fig. 8, items 68-69, in description See Col. 4, Lines 40-42).

Kung et al. does not show first and second input controls are located on a back of the device.

Phillipps teaches first and second input controls are located on a back of the device (See Figs. 1-4, items 7-8, from Col. 2, Line 56 to Col. 3, Line 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement user input control on a back of the device as shown by Phillipps in the Kung et al. method in order to reduce size of the apparatus (See Col. 1, Lines 29-33 in the Phillipps reference).

The zoom-ratio varying between predetermined maximum zoom-ratio and a predetermined minimum zoom-ratio is considered to be an implicit feature because there must be a reasonable limits for every zooming feature within boundary of the display and screen being zoomed in steps defined by a zoom-ratio also is implicit since a continuous movement on the zooming touch pad ("...the steps of zoom is not fixed, but the zoom-ratio may be any permanent or temporary value between maximum and minimum values." (See paragraph 22 of the Applicant's description)).

3. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al., Phillipps as applied to claim 1 above, and further in view of Tanaka (US Patent No. 6,473,796 B2).

As to claim 28, Kung et al., Phillipps do not disclose zoom-ratio is defined by a network entity.

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Tanaka teaches zoom-ratio is defined by a network entity (See Col. 1, Lines 18-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Tanaka into Phillipps and the Kung et al. system in order to provide information via a network (See Col. 1, Lines 9-11 in the Tanaka reference).

As to claim 29, Tanaka teaches the network entity is connected to the device via the Internet, a value of the zoom-ratio being received from the network entity over the Internet (See Col. 1, Lines 18-22 and Col. 1, Lines 57-65).

4. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al., Phillipps as applied to claim 1 above, and further in view of Sakai et al. (US Patent No. 4,509,841).

Kung et al., Phillipps do not disclose zoom-ratio is defined by a content application.

Sakai et al. teaches zoom-ratio is defined by a content application (See Col. 1, Lines 28-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Sakai et al. into Phillipps and the Kung et al. system in order to increase the range of applications.

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5. Claims 31, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al., Phillipps as applied to claim 1 above, and further in view of Harada (US Patent No. 5,038,164).

As to claim 31, Kung et al., Phillipps do not disclose zoom-ratio is associated with one or more corresponding depths and wherein a first content corresponds to a first depth and a second depth.

Harada teaches zoom-ratio is associated with one or more corresponding depths (See Fig. 3, item 25, Col. 9, Lines 57-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Harada into Phillipps and the Kung et al. system in order to obtain an aperture value corresponding to a depth of field (See Col. 1, Lines 66-69).

As to claim 34, Harada teaches the first content is displayed on the display screen only within a predetermined range of zoom-ratios (See Fig. 3, item 25, Col. 9, Lines 57-64).

6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al., Phillipps and Harada as applied to claim 31 above, and further in view of Neff et al. (US Patent No. 6,424,464 B1).

Kung et al., Phillipps, Harada do not disclose the display at different depths provides a simulated three-dimensional effect on the display system.

Neff et al. teaches the display at different depths provides a simulated three-dimensional effect on the display system (See Col. 2, Lines 44-53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Neff et al. into Phillipps and the Kung et al., Harada system in order to project 3D data (See Col.3, Lines 36-9 in Neff et al. reference).

Response to Arguments

7. Applicant's arguments filed on 09.26.05 with respect to claims 1, 3-8, 10, 12-17, 19 and 21-36 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed 09.26.05 with respect to claims 31-32 rejected under 35 U. S. C. § 112, second paragraph have been fully considered but they are not persuasive:

Starting on page 13, last paragraph of the Remarks Applicant's stated that there is no restriction in the claims the display of both first and second content and that claim 31 does not restrict one depth per zoom-ratio. However, it is still not clear how two different contents (depths), as recited in claim 31 could be equal (both depths correspond to a current zoom-ratio), as recited in claim 32.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Telephone inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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LS
06.24.05

AMR A. AWAD
PRIMARY EXAMINER

Amr A. Awad